



16 SEP 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

MORGAN & FINNEGAN, LLP  
345 Park Avenue  
New York, NY 10154

In re Application of :  
DENTON, Richard Rex et al :  
U.S. Application No.: 10/019,242 :  
Int. Application No.: PCT/US00/17540 :  
Int. Filing Date: 26 June 2000 :  
Priority Date: 25 June 1999 :  
Attorney Docket No.: 2458-4042US2 :  
For: METHODS FOR OBTAINING AND :  
USING HAPLOTYPE DATA :  
: DECISION

This decision is in response to applicants' "Petition to Consider . . . (37 C.F.R. § 1.10(e))" filed 30 April 2002 and applicants' "Petition under 37 CFR 1.182 . . ." to correct to a 35 U.S.C. 111(a) application filed via facsimile on 13 September 2002.

## **BACKGROUND**

On 21 December 2001, applicants filed four separate transmittal letters for entry into the national stage for the same international application, *i.e.*, PCT/US00/17540. Another transmittal letter for entry into the national stage for PCT/US00/17540 was filed 26 December 2001. This resulted in five different 35 U.S.C. 371 applications for the same international application.

On 30 April 2002, applicants filed the instant petition under 37 CFR 1.10(e) because applicants believed that the papers filed using attorney docket number 2458-4042US2 were lost. This petition was placed in a new national stage application and designated as U.S. application number, 10/148,372.

On 14 June 2002, a Notification was mailed indicating that the filing of five separate national stage applications for the same international application was improper. Applicants were requested to file a petition pursuant to 37 CFR 1.182 to convert four of the applications to a filing under 35 U.S.C. 111(a), or provide respective statements for any of the four additional sets of papers which applicants do not intend to convert to 35 U.S.C. 111(a) within two months of the mail date of the Notification. Extensions of time are available pursuant to 37 CFR 1.136(a).

On 13 September 2002, after a telephone call from James Thomson of the PCT Legal branch, a petition under 37 CFR 1.182 was filed requesting that this application be corrected to a filing pursuant to 35 U.S.C. 111(a).

**DISCUSSION**

**Petition Under 37 CFR 1.10(e)**

In the instant petition, applicants request that the application filed under attorney docket number 2458-4042US2 be given a filing date of 21 December 2001. Applicants included evidence that the application was originally submitted on 21 December 2001 using USPS Express Mail.

A review of USPTO records reveal that the application for attorney docket number 2458-4042US2 was located and it was designated as U.S. application number 10/019,242 which was received on 21 December 2001. This application was temporarily suspended due to the fact that the international application PCT/US00/17540 had five separate national stage filings.

Accordingly, applicants petition under 37 CFR 1.10(e) is not required.

**Petition Under 37 CFR 1.182**

Applicants request that the above-identified application be treated as a patent application filed under 35 U.S.C. 111(a) has been accorded.

The petition fee of \$130.00 (Fee Code 122) has been charged to Deposit Account No. 13-4500 as authorized.

**CONCLUSION**

Applicants' petition under 37 CFR 1.10(e) is DISMISSED as MOOT.

Applicants' petition under 37 CFR 1.182 to correct to a filing under 35 U.S.C. 111(a) has been GRANTED.

U.S. application No. 10/148,372 will be merged into the file of U.S. application No. 10/019,242. U.S. Application No. 10/148,372 will no longer be an active U.S. application number. **All future correspondence regarding this patent application should be directed to U.S. application No. 10/019,242.**

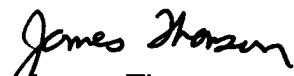
All required fees including the basic filing fee of \$740.00 (Fee Code 101), an additional claim fee of \$252.00 (Fee Code 103), and a multiple dependent claim fee of \$280.00 (Fee Code 104) will be charged from Deposit Account No. 13-4500 as authorized.

Any period of adjustment to the term of a patent under 35 U.S.C. 154(b)(May 29, 2000) may be reduced by the period of time beginning on the filing date accorded under 35 U.S.C. 11 and ending on the mailing date of this decision. See 37 CFR 1.704(a).

This application is being forwarded to the Office of Initial Patent Examination for further processing under 35 U.S.C. 111(a) with a filing date of 21 December 2001.



Leonard Smith  
PCT Legal Examiner  
PCT Legal Office

  
James Thomson  
Attorney Advisor  
PCT Legal Office

Tel.: (703) 308-6457